

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

T-MOBILE USA, INC., a Delaware
corporation,

Plaintiff,

v.

HUAWEI DEVICE USA, INC., a Texas
corporation; and HUAWEI TECHNOLOGIES
CO. LTD, a China corporation,

Defendants.

Case No. 14-cv-01351-RAJ

**DECLARATION OF XINLIN LI
MORROW IN SUPPORT OF T-
MOBILE USA, INC.'S MOTION
FOR PARTIAL SUMMARY
JUDGMENT ON BREACH OF
CONTRACT**

I, Xinlin Li Morrow, hereby declare as follows:

1. I am an attorney at the law firm of Hueston Hennigan LLP, counsel of record in this action for Plaintiff T-Mobile USA, Inc. I am a member in good standing of the State Bar of California and have been admitted *pro hac vice* in the above-entitled action to practice before this Court. I have personal knowledge of the facts set forth in this declaration and, if called to testify, I could and would testify competently thereto.

2. Attached hereto as Exhibit A is a true and correct copy of the Handset and Accessory Supply Agreement made between T-Mobile and Huawei, dated June 2, 2010, filed on October 27, 2014 as Dkt. 32-6.

3. Attached hereto as Exhibit B is a true and correct copy of Defendant Huawei Device USA, Inc.'s Supplemental Responses and Objections to Plaintiff T-Mobile's Request for

1 Admission No. 7, 9 9 and 11, served by Huawei on T-Mobile on June 19, 2015.

2 4. Attached hereto as Exhibit C is a true and correct copy of Defendant Huawei
3 Technologies, Co. Ltd.'s Objections and Responses to Plaintiff T-Mobile's First Set of Requests
4 for Admission, served by Huawei on T-Mobile on August 25, 2015.

5 5. Attached hereto as Exhibit D is a true and correct copy of excerpts from the
6 deposition transcript of Helen Li, dated May 24, 2016.

7 6. Attached hereto as Exhibit E is a certified translation of Deposition Exhibit 3
8 marked at the deposition of Helen Li, dated May 24, 2016.

9 7. Attached hereto as Exhibit F is a true and correct copy of the Mutual Nondisclosure
10 Agreement made between T-Mobile and Huawei, dated July 31, 2012 (TMHUA00461656-659).

11 8. Attached hereto as Exhibit G is a true and correct copy of the Clean Room Letter
12 between T-Mobile and Huawei, dated August 16, 2012 (TMHUA00461652-655).

13 9. Attached hereto as Exhibit H is a true and correct copy of an email from Richard
14 Yao to Sumeet Mann and Pritpal Singh, dated May 14, 2013 (TMHUA00456812).

15 10. Attached hereto as Exhibit I is a true and correct copy of excerpts from the
16 deposition transcript of Sumeet Mann, dated May 10, 2016.

17 11. Attached hereto as Exhibit J is a true and correct copy of excerpts from the
18 deposition transcript of Prachi Kathale, dated May 26, 2016.

19 12. Attached hereto as Exhibit K is a true and correct copy of Deposition Exhibit 4
20 marked at the deposition of Prachi Kathale, dated May 26, 2016.

21 13. Attached hereto as Exhibit L is a true and correct copy of Deposition Exhibit 14
22 marked at the deposition of Richard Yao, dated May 5, 2016.

23 14. Attached hereto as Exhibit M is a certified translation of Deposition Exhibit 6
24 marked at the deposition of Prachi Kathale, dated May 26, 2016.

25 15. Attached hereto as Exhibit N is a true and correct copy of Deposition Exhibit 5
26 marked at the deposition of Charles De Chateauvieux, dated May 5, 2016.

1 16. Attached hereto as Exhibit O is a certified translation of an email from Wangyu
2 (Frank) to Hupeng (Roc), dated April 15, 2013 (HUA02327632-636).

3 17. Attached hereto as Exhibit P is a true and correct copy of excerpts from the
4 deposition transcript of Trey Villanueva, dated May 26, 2016.

5 18. Attached hereto as Exhibit Q is a true and correct copy of Defendant Huawei USA's
6 Objections and Responses to Plaintiff T-Mobile's First Set of Requests for Admission, served by
7 Huawei on T-Mobile on March 12, 2015.

8 19. Attached hereto as Exhibit R is a true and correct copy of security photos taken in
9 T-Mobile's Validation Lab #2, dated May 14, 2013 (TMHUA00455012-016).

10 20. Attached hereto as Exhibit S is a certified translation of an email from Wangyu
11 (Frank) to Zhoujin (Catherine) et al., dated May 16, 2013 (HUA00470560-569).

12 21. Attached hereto as Exhibit T is a true and correct copy of excerpts from the
13 deposition transcript of Peng Hu, dated April 22, 2016.

14 22. Attached hereto as Exhibit U is a true and correct copy of Deposition Exhibit 32
15 marked at the deposition of Richard Yao, dated May 6, 2016.

16 23. Attached hereto as Exhibit V is a certified translation of an email from Wangyu
17 (Frank) to Yangkai, Zhaolingzi, dated May 15, 2013 (HUA02327493-498). Also included in
18 Exhibit V is a certified translation of the attachment (HUA02327509-514) to the email on
19 HUA02327493.

20 24. Attached hereto as Exhibit W is a true and correct copy an email from Xiongxinfu
21 (Adam) to Wangyu (Frank), dated May 15, 2013 (HUA01175468-473).

22 25. Attached hereto as Exhibit X is a true and correct copy of excerpts from the
23 deposition transcript of Richard Yao Volume 2, dated May 6, 2016.

24 26. Attached hereto as Exhibit Y is a true and correct copy of a text message between
25 Xiongxinfu (Adam) and Trey Villanueva (TMHUA00463712).

26 27. Attached hereto as Exhibit Z is a true and correct copy of a text message between
27

1 Xiongxinfu (Adam) and Trey Villanueva (TMHUA00463714).

2 28. Attached hereto as Exhibit AA is a certified translation of Deposition Exhibit 40
3 marked at the deposition of Richard Yao, dated May 6, 2016.

4 29. Attached hereto as Exhibit BB is a certified translation of Deposition Exhibit 39
5 marked at the deposition of Richard Yao, dated May 6, 2016.

6 30. Attached hereto as Exhibit CC is a true and correct copy of T-Mobile's security
7 video (TMHUA00168129). Exhibit CC is a video recording that cannot be filed via the ECF
8 system; a copy of the video will be filed today by hand with the Western District Clerk, under seal.

9 31. Attached hereto as Exhibit DD is a true and correct copy of excerpts from the
10 transcript of Corban Cunningham, dated May 13, 2016.

11 32. Attached hereto as Exhibit EE is a true and correct copy of Dkt. No. 79, Defendant
12 Huawei USA, Inc.'s Answer & Affirmative Defenses, filed August 28, 2015.

13 33. Attached hereto as Exhibit FF is a true and correct copy of excerpts from the
14 deposition transcript of Richard Yao, dated May 5, 2016.

15 34. Attached hereto as Exhibit HH is a true and correct copy of Dkt. No. 80, Defendant
16 Huawei Technologies Co., LTD's Answer & Affirmative Defenses, filed August 28, 2015.

17
18 I declare under penalty of perjury under the laws of the United States of America that the
19 foregoing is true and correct.

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21 DATED this 20th day of October, 2016.

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23 By: s/ Xinlin Li Morrow
24 Xinlin Li Morrow

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DATED this 20th day of October, 2016.

Counsel for Plaintiff T-Mobile USA, Inc.